

REMARKS

A. Background

Claims 8-23 were pending in the application at the time of the Office Action. All of the pending claims were rejected as being obvious over cited art. By this response applicant has amended independent claims 8, 20, and 22 to further clarify, more clearly define, and/or broaden the claimed inventions to expedite receiving a notice of allowance. As such, claims 8-23 are presented for the Examiner's consideration in light of the following remarks.

B. Examiner Interview

Applicant would like to thank the Examiner for the courtesy of the telephone interview conducted on November 30, 2010 between the undersigned and the Examiner of record in the present application. Proposed amendments to independent claim 8 were discussed and the Examiner agreed that with the amendments, claim 8 would overcome the cited references. Applicant notes that the amendments to independent claim 8 presented herein correspond to the amended claim discussed during the interview. Specifically, claim 8 has been amended to clarify that the means for dictating dictate:

“that the broadcast of certain identical multiple advertisements shall be initiated to at least two of the IP addresses within the programme-receiving audience in at least one of the same respective advertisement slots, during the same broadcast,”

and the means for broadcasting advertisements:

“initiates transmission of identical multiple advertisements to at least two target IP addresses for the same advertisement slot, with each advertisement to each target IP address having a Time to Live (TTL) inbuilt expiry mechanism, the TTL being utilized to achieve selective play-out of the advertisements, the selective play-out being achieved by setting the TTL of some of the multiple advertisements at a value approaching zero so that those advertisements will expire before they can be played out at the target destination, and setting the TTL of other advertisements with higher values so that the other advertisements are played out at the target destination, the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out at the other of the target IP addresses for the same advertisement slot.”

These amendments are supported in the application at least at page 9, line 31 to page 10, line 11 of the specification as originally filed.

TTL is an existing protocol used worldwide for traffic management in Internet Protocol (IP) networks. Its main purpose is to ensure that networks remain free of clutter. TTL does this by assigning time values to the individual data packets which make up the network traffic. These values are designed and set in such a way as to ensure that undelivered data packets self destruct after a pre-set time period if they do not arrive successfully at their chosen destination. Hence the use of the phrase “Time To Live.” In general, every time a data packet is handled by a node in an IP network, the TTL value is decremented by one. Eventually, if the data packet remains undelivered, the TTL value will arrive at a value of zero. When a node sees that the TTL value of a data packet is zero, the node simply does not pass the data packet on, effectively removing the data packet from the network. A variety of time settings are available to the network manager to cover different situations but the technical and commercial management objective is always the same – to run a network as efficiently as possible. The protocol has been used in its current format for many years, is well understood by network engineers worldwide and is in constant daily use by most, if not all, IP networks on a global basis as a network management tool.

The claimed invention uses the protocol in a completely new manner that has never been done before, that of using TTL as a targeting mechanism. This is a total departure from any previous use of the protocol and is not obvious in any prior art. Using this method TTL becomes either the sole or the main determinant of which audience member receives which piece of content or advertisement, with only minimal disruption to the existing transmission process. The use of TTL as a targeting mechanism, including playing only those advertisements that have higher TTL values while allowing the advertisements having TTL values approaching zero to not be played out is disclosed in the application at page 9, line 31 to page 10, line 7.

This novel use of TTL to play out certain advertisements at one IP address and different advertisements at a different IP address for the same advertisement slot is discussed at page 10, lines 9-11, where it states that “for example, eight adverts may be transmitted for a three advert slot, only three adverts are played out at the target destination and the content of the play-out may be different from one target destination to another.”

Independent claims 20 and 22 have also been amended herein to incorporate the same limitations as discussed above. As such, all of the pending independent claims now recite the added limitations discussed above.

In light of the above, Applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Claim Rejections based on 35 U.S.C. 103

Paragraph 5 and 6 of the Office Action reject claims 8, 10, 12, 13 and 17-21 under 35 USC § 103(a) as being obvious over U.S. Publication No. 2004/0148625 to Eldering et al. (“*Eldering*”) in view of U.S. Publication No. 2005/0193410 to Eldering et al. (“*Eldering2*”), U.S. Publication No. 2002/0083443 to Eldering et al. (“*Eldering3*”), and U.S. Publication No. 2002/0176391 to Hermann et al. (“*Hermann*”). Paragraphs 7-12 reject claims 9, 11, 14-16, 22, and 23 as being obvious over one or more of the above references in view of further cited art. Of the rejected claims, claims 8, 20, and 22 are independent claims. Applicant respectfully traverses these rejections.

As noted above, the Examiner conceded in the Examiner Interview that the amendments to claim 8 set forth herein overcome the cited art. Because the same amendments have also been incorporated into independent claims 20 and 22, Applicant submits that those claims are also differentiated over the cited art. In view of this, Applicant respectfully submits that none of the cited art, taken individually or collectively, includes all of the limitations recited in any of the rejected independent claims. Accordingly, Applicant respectfully requests that the obviousness rejections with respect to claims 8, 20, and 22 be withdrawn.

Claims 9-19, 21, and 23 depend from claims 8, 20, and 22 and thus incorporate the limitations thereof. As such, applicant submits that claims 9-19, 21, and 23 are also distinguished over the cited art for at least the same reasons as discussed above with regard to claims 8, 20, and 22. Accordingly, Applicant respectfully requests that the obviousness rejections with respect to claims 9-19, 21, and 23 also be withdrawn.

D. Objection based on Double Patenting

Paragraph 13 of the Office Action advises that should claim 8 be found to be allowable, the Examiner will object to claim 20 as being a substantial duplicate thereof. Applicant acknowledges the potential future objection and will address the objection once either claim 8 or claim 20 is found to be allowable. Applicant notes that deferring any discussion of the potential future objection does not indicate any admission by the Applicant, implicit or otherwise, concerning the merits of the objection.

No other objections or rejections are set forth in the Office Action.

E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 8-23 as amended and presented herein.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 16th day of December 2010.

Respectfully submitted,

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